

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
GREENVILLE DIVISION

|                            |   |                                    |
|----------------------------|---|------------------------------------|
| VINCENT JOHN HALL,         | ) | Civil Action No.: 6:06-cv-2476-RBH |
|                            | ) |                                    |
| Plaintiff,                 | ) |                                    |
|                            | ) |                                    |
| v.                         | ) | <b>ORDER</b>                       |
|                            | ) |                                    |
| JOHNNY SAPP, Captain; CORA | ) |                                    |
| POUNCEY, Nurse,            | ) |                                    |
|                            | ) |                                    |
| Defendants.                | ) |                                    |
|                            | ) |                                    |

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Pending before the court are: 1) Plaintiff's [Docket Entry #12] motion for summary judgment; 2) Plaintiff's [Docket Entry #19] motion for default judgment; and 3) Defendants' [Docket Entry #40] motion for summary judgment. These motions are before the court with the Report and Recommendation [Docket Entry #53] of Magistrate Judge William M. Catoe filed on March 12, 2007.

Plaintiff, proceeding *pro se*, brought this action under 42 U.S.C. § 1983 concerning the quality of medical care he received at the Dillon County Detention Center.

The Magistrate Judge recommended that Defendants' motion for summary judgment be granted and the Plaintiff's motions for default judgment and summary judgment be denied. On March 26, 2007, the Plaintiff filed objections to the Magistrate Judge's Report and Recommendation.

**Standard of Review**

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with this court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The court is charged with making a *de*

*novo* determination of those portions of the report and recommendation to which specific objection is made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to him with instructions. 28 U.S.C. § 636(b)(1).

The district court is obligated to conduct a *de novo* review of every portion of the Magistrate Judge's report to which objections have been filed. *Id.* However, the district court need not conduct a *de novo* review when a party makes only general and conclusory objections that do not direct the court to a specific error in the Magistrate Judge's proposed findings and recommendations. *Orpiano v. Johnson*, 687 F.2d 44, 47-48 (4th Cir. 1982).

### **Discussion**

With regard to the Plaintiff's motion for default judgment, the Magistrate Judge recommended that the motion be denied because the Defendants answered the complaint within the time frame set by the court. As to the summary judgment motions, the Magistrate Judge concluded that the Defendants were entitled to summary judgment because the Plaintiff had failed to show the Defendants were deliberately indifferent to his serious medical needs.

The Plaintiff has alleged that he was placed in "medical lockup" in a "cold nasty cell" for four days in retaliation for filing this case. To the extent the Plaintiff makes a claim concerning the conditions of his confinement in the "medical lockup," the Magistrate Judge found that the Plaintiff had failed to show that the conditions of his confinement in the "medical lockup" amounted to punishment before a proper adjudication of guilt.

Having reviewed the record and applicable law, the court agrees with the recommendations of the Magistrate Judge and finds that the Magistrate Judge correctly applied

the law to the facts of this case. The court has reviewed the Plaintiff's objections and finds that they are without merit. The record clearly indicates that the Plaintiff received constitutionally adequate medical care for his heart condition.

**Conclusion**

For the reasons stated above and by the Magistrate Judge, the court overrules Plaintiff's objections and adopts and incorporates by reference the Report and Recommendation of the Magistrate Judge. Plaintiff's [Docket Entry #12] motion for summary judgment is **DENIED**; Plaintiff's [Docket Entry #19] motion for default judgment is **DENIED**; and Defendants' [Docket Entry #40] motion for summary judgment is **GRANTED**. Plaintiff's complaint is hereby **DISMISSED with prejudice**.

**IT IS SO ORDERED.**

May 16, 2007  
Florence, South Carolina

s/ R. Bryan Harwell  
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R. Bryan Harwell  
United States District Judge